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UNITED STATES FIRE INSURANCE COMPANY
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11 IN THE UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 (OAKLAND DIVISION)
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15 LENSRAFTERS, INC.; and EYEXAM
16 OF CALIFORNIA, INC.;

17 Plaintiffs,

18 vs.

19 LIBERTY MUTUAL FIRE INSURANCE
COMPANY; EXECUTIVE RISK
20 SPECIALTY INSURANCE COMPANY;
UNITED STATES FIRE INSURANCE
21 COMPANY; MARKEL AMERICAN
INSURANCE COMPANY; and
22 WESTCHESTER FIRE INSURANCE
COMPANY,

23 Defendants.
24

Case No. C-07-2853 SBA
The Honorable Sandra B. Armstrong

**UNITED STATES FIRE INSURANCE
COMPANY'S REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS TO LENSRAFTERS, INC.**

(SET THREE)

25 **PROPOUNDING PARTY:** U.S. Fire Insurance Company

26 **RESPONDING PARTY:** LensCrafters, Inc.

27 **SET NO.:** THREE
28

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant U.S. Fire Insurance Company ("U.S. Fire") hereby requests that Plaintiff LensCrafters, Inc.. (hereinafter "LensCrafters") produce the documents identified below within thirty (30) days after service of these requests at the law offices of Squire, Sanders & Dempsey L.L.P., One Maritime Plaza, Suite 300, San Francisco, California 94111-3492.

LensCrafters is also requested to identify on a log every document withheld from production on the basis of any claim of privilege, or as attorney work product, or any other reason.

DEFINITIONS

1. "YOU" or "YOUR" mean Plaintiff LensCrafters, Inc. and any person or entity who has acted or is acting on its behalf.

2. "DOCUMENT" or "DOCUMENTS" shall include all DOCUMENTS and "things" encompassed within the meaning of DOCUMENTS used in Rule 34(a)(1) of the Federal Rules of Civil Procedure. It shall also include all electronically stored information, including electronically-maintained versions (including all prior and final drafts) of any DOCUMENTS you produce in hard copy, as well as any DOCUMENTS maintained solely in electronic format, including but not limited to any correspondence, memoranda, emails, voice, text or instant messages, electronic calendars and databases, spreadsheets or other compilations of data.

3. "ALL DOCUMENTS" means every DOCUMENT within the custody, possession or control of YOU and any of YOUR attorneys or any entity or person over whom YOU have control or from whom YOU have the legal right to obtain documents on demand, whether an original or copy, known to YOU, and every such DOCUMENT or writing which YOU can locate or discover through reasonably diligent efforts.

4. "COMMUNICATION(S)" means and refers to any conference, conversation, correspondence, discussion, e-mail, facsimile transmission, letter, meeting, memorandum, negotiation, note, telephone call, invoice, or other oral or written exchange of information between or among any person(s) and/or entity(ies) whether printed, typed, handwritten, electronically or otherwise recorded.

5. “CONCERNING” means, whether explicitly or implicitly, or in whole or in part, related to, received in conjunction with or generated as a result of the subject matter of the request, and also includes reflecting, recording, specifying, memorializing, discussing, describing, considering, constituting, embodying, evaluating, analyzing, reviewing, reporting on, commenting on, impinging upon or impacting the subject matter of the request.

6. “POLICY” or “POLICIES” mean any liability insurance policy identified by YOU in the First Amended Complaint filed in this action.

7. The “SNOW ACTION” means the litigation entitled *Melvin Gene Snow, et al. v. LensCrafters, Inc., et al.*, San Francisco Superior Court, Case No. CGC-02-405544.

8. “CLAIM FORM” or “CLAIM FORMS” means those forms sent to the putative class members in the SNOW ACTION pursuant to the terms of YOUR settlement in that action, as described in the Declaration of Daniel Rosenthal in Support of Final Settlement Approval, filed by YOU in the SNOW ACTION on or about June 27, 2008.

REQUESTS FOR PRODUCTION

REQUEST NO. 45:

ALL DOCUMENTS CONCERNING any CLAIM FORMS submitted by members of the putative class in the SNOW ACTION pursuant to YOUR settlement in that action, including but not limited to the CLAIM FORMS and any memoranda or other DOCUMENT analyzing those CLAIM FORMS.

REQUEST NO. 46:

ALL DOCUMENTS CONCERNING COMMUNICATIONS between YOU and any administrator of any CLAIM FORMS submitted by members of the putative class in the SNOW ACTION pursuant to YOUR settlement in that action.

REQUEST NO. 47:

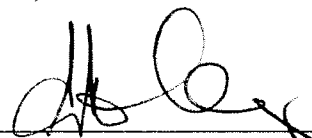
ALL DOCUMENTS CONCERNING COMMUNICATIONS between YOU and the SNOW ACTION Plaintiffs regarding any CLAIM FORMS submitted by members of the putative class in the SNOW ACTION pursuant to YOUR settlement in that action.

REQUEST NO. 48:

ALL DOCUMENTS CONCERNING the number of CLAIM FORMS submitted by members of the putative class in the *SNOW* ACTION who elected a cash payment pursuant to YOUR settlement in that action.

Dated: July 25, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

By: 
Andrew L. Chang

Attorneys for Defendant
UNITED STATES FIRE INSURANCE
COMPANY

PROOF OF SERVICE

(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is One Maritime Plaza, Suite 300, San Francisco, California 94111-3492, which is located in the county where any non-personal service described below took place. On July 25, 2008, a copy of the following document:

**UNITED STATES FIRE INSURANCE COMPANY'S REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS TO LENS CRAFTERS, INC. (SET
THREE)**

was served on:

Richard DeNatale, Esq.
Celia M. Jackson, Esq.
Heller Ehrman LLP
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000
Facsimile: (415) 772-6268

☒ **BY PERSONAL SERVICE VIA MESSENGER** - I caused such envelope to be served via messenger service on the interested parties in said action, at the office of the addressee, by delivering true and correct copies thereof to: First Legal, Inc., 1138 Howard St., San Francisco, California 94103.

Terrence R. McInnis, Esq.
Ross, Dixon & Bell, LLP
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Alex F. Stuart, Esq.
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1 ☒ **BY FIRST CLASS MAIL** - I am readily familiar with this firm's practice for
2 collection and processing of correspondence for mailing with the United States Postal
3 Service. It is deposited with the United States Postal Service in the ordinary course of
4 business on the same day it is processed for mailing. I caused such envelopes to be deposited
in the mail at San Francisco, California. The envelopes were mailed with postage thereon
fully prepaid.

5 I declare that I am employed in the office of a member of the bar of this court at whose
6 direction the service was made. Executed on July 25, 2008, at San Francisco, California.

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Tonette Danowski